

## **REMARKS**

This is a full and timely response to the outstanding non-final Office Action mailed August 7, 2001. Reconsideration and allowance of the application and presently pending claims, as amended, are respectfully requested.

### **A. Claim Rejections - 35 U.S.C. § 112, Second Paragraph**

Claims 14 and 15 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. In particular, the Examiner states that in claim 14, lines 2 and 3, the recitation "said inwardly extending shoulder" lacks proper antecedent basis.

In response to these rejections, applicant has amended claims 14 and 15 to provide proper antecedent basis. In view of the above described amendments to the claims, it is respectfully asserted that claims 14 and 15 currently define the invention in the manner required by 35 U.S.C. § 112. Accordingly, it is respectfully requested that the rejections to these claims be withdrawn.

### **B. Claim Rejections - 35 U.S.C. § 102(e)**

#### **1. Statement of the Rejection**

Claims 11-13, 16, and 17 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Price, et al. ("Price," U.S. Pat. No. 6,224,295).

The rejection states that Price discloses applicant's invention as recited in claims 11-13, 16, and 17, including an "inwardly extending shoulder". Applicant respectfully traverses this rejection.

## **2. Applicant's Claimed Invention**

Applicant's claims describe a retaining wall and method. As provided in independent claims 11 and 17, as amended, applicant claims:

11. A segmental retaining wall system comprising:
  - a wall block including:
    - an interior face for forming an interior surface of a segmental retaining wall;
    - an exterior face for forming an exterior surface of the segmental retaining wall;
    - first and second sides that extend from said exterior face to said interior face;
    - a top surface and a bottom surface; and
    - retaining means for retaining a reinforcement member to the wall block, said retaining means including a channel defined by a front wall, a rear wall, and a channel bottom surface and extending across one of said wall block faces and surfaces, at least one of said front wall and rear wall having an inwardly extending shoulder associated therewith.

17. A method for forming a segmental retaining wall, said method comprising the steps of:

stacking a plurality of wall blocks in aligned courses, a plurality of said wall blocks having a channel formed therein, the channel including at least one inwardly extending shoulder; and

securing at least one reinforcement member to the wall with a retaining bar that overlaps the reinforcement member within the channel;

wherein the retaining bar in cooperation with the channel secures the reinforcement member to the wall when tensile forces are imposed upon the reinforcement member.

Applicant's claims 11 and 17 (emphasis added).

### 3. **The Price Reference**

Price discloses a soil reinforcement system in which blocks (2) having channels (7) formed therein are used to house a rod (4) which secures a polymeric strip (5) to a wall (10) formed with the blocks. In contrast to applicant's claimed invention, Price does not disclose, teach, or suggest an "inwardly extending shoulder" as presently required by Applicant's claims.

### 4. **Discussion of the Rejection**

It is axiomatic that "[a]nticipation requires the disclosure in a single prior art reference of *each element* of the claim under consideration." W. L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 1554, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983)(emphasis

added). Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102(e).

In the present case, not every feature of the claimed invention is represented in the Price reference. As noted above, Price does not teach or suggest an inwardly extending shoulder that forms part of a retaining means or block channel. If anything, Price teaches the opposite: an *outwardly* extending surface (see Fig. 1). It is unclear, however, whether Price indeed teaches an outwardly extending surface when all of the figures are considered. Specifically, as indicated in Figure 2, each of the surfaces of the channel (11) is orthogonal. In any case, Price clearly does not teach an inwardly extending shoulder as is required by both independent claims 1 and 17.

In view of the above, Applicant respectfully asserts that Price does not anticipate independent claim 11 or 17. Therefore, applicant respectfully requests that the rejection of these claims, and those depending from them, be withdrawn.

#### **C. Allowable Subject Matter**

Applicant appreciates the Examiner's indication that claims 1-10 are allowed, that claims 14 and 15 would be allowable if amended to overcome the rejections under 35 U.S.C. § 112, and that claims 18 and 19 would be allowable rewritten to include all of the limitations of the base claim and any intervening claims. In that it is believed that every rejection has been overcome, it is submitted that each of claims 1-17 and 19 is presently in condition for allowance.

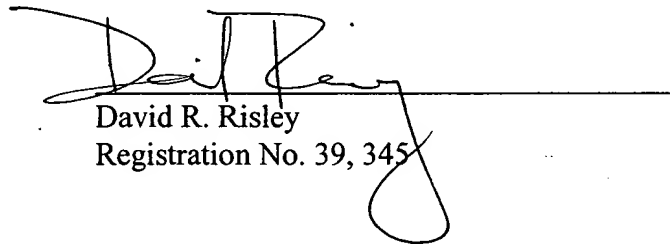
**D. Newly Added Claims**

As identified above, claims 20-23 have been added into the application through this response. Applicant respectfully submits that these new claims describe an invention novel and unobvious in view of the prior art of record and, therefore, respectfully requests that these claims be held to be allowable.

### CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-17 and 19-23 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

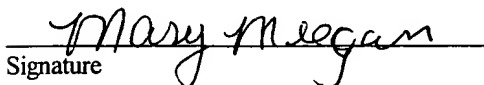
Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Washington D.C. 20231, on 12-4-01.

  
Signature

**ANNOTATED VERSION OF MODIFIED CLAIMS TO SHOW CHANGES MADE**

The following claims have been amended by deleting the bracketed ("[ ]") portions and adding the underlined ("\_\_\_") portions.

11. (Thrice Amended) A segmental retaining wall system [for use in a segmental retaining wall system, said retaining system] comprising:

a wall block including:

an interior face for forming an interior surface of a segmental retaining wall;

an exterior face for forming an exterior surface of the segmental retaining wall;

first and second sides that extend from said exterior face to said interior face;

a top surface and a bottom surface; and

retaining means for retaining a reinforcement member to [a retaining] the wall block, said retaining means [being integrally formed in said wall block, said retaining means] including a channel defined by a front wall, a rear wall, and a channel bottom surface and [non-vertical, inwardly extending surface] extending across one of said wall block faces and surfaces, at least one of said front wall and rear wall having an inwardly extending shoulder associated therewith.

12. (Twice Amended) The system of claim 11, wherein said retaining means comprises a [channel defined that extends across one of said faces and surfaces and a] retaining bar that is sized and configured to fit within said channel.

14. (Thrice Amended) The system of claim 13 [12], wherein [said channel is defined by a front wall, rear wall and a channel bottom surface, said rear wall including] said inwardly extending shoulder is associated with said rear wall of said channel.

16. (Twice Amended) The system of claim 11, wherein said [system] wall block is formed of a concrete material.

17. (Once Amended) A method for forming a segmental retaining wall, said method comprising the steps of:

stacking a plurality of wall blocks in aligned courses, a plurality of said wall blocks having a channel formed therein, the channel including at least one inwardly extending shoulder; and

securing at least one reinforcement member to the wall with a retaining bar that overlaps the reinforcement member within the channel;

wherein the retaining bar in cooperation with the channel secures the reinforcement member to the wall when tensile forces are imposed upon the reinforcement member.



19. (Once Amended) The method of claim ~~[18]~~ 17, wherein the at least one inwardly extending shoulder is formed with a curved lip.